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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,258	09/11/2000	Gregory Richard Hintermeister	IBM/155	5587

7590 11/01/2006

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EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/659,258	<b>Applicant(s)</b> HINTERMEISTER ET AL.	
	<b>Examiner</b> Namitha Pillai	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-32 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-32 and 34-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) on 8/28/06. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith. The Examiner acknowledges Applicant's amendments to claims 1, 14, 16, 17, 23, 34-36, 40, 42, 44 and 45 and the cancellation of claims 13 and 33. All pending claims have been rejected as being obvious over prior art.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 40 and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The functional descriptive material of claims 40 and 41 must be combined with an appropriate computer readable medium, which must be a physical structure, not a signal, which allows the functionality to be carried out with a computer.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 4-12, 14-23, 26-32 and <sup>34</sup>~~35~~-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,535,227 B1 (Fox et al.), herein referred to as Fox and U. S. Patent No. 7, 107, 534 B1 (de Jong et al), herein referred to as De Jong. RB

Referring to claim 1, Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also discloses that in response to user input, indicating a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation associated with the plurality of hardware components (column 3, lines 29-32). Fox discloses that for each of the nodes, representing the hardware components, with each having selected status highlighting the risk status, a manager window can be displayed which includes properties of the network components, the properties representing a list of management operations associated with the network component (column 3, lines 60-62). Figure 7 display hardware components that are highlighted or selected in addition to a manager window that displays management operations involving all hardware components including those that are selected. Fox does not disclose that specific management operations are performed on all the multiple hardware components. De Jong discloses configuring hardware components including displaying and performing management operations on multiple hardware components that are selected by the user (column 11, lines 47-50). De Jong's system includes selecting components that

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represent multiple hardware components within, where configuration requires applying a management operation to all of the multiple hardware components that have been selected by the user (column 11, lines 53-59). It would have been obvious for one skilled in the art at the time of the invention to learn from De Jong to perform a management operation on all of the multiple hardware components that have a selected status response to user input. Both Fox and De Jong disclose systems for configuring hardware components. De Jong provides a configuring system for managing multiple devices that are stored in the RAID storage system, where configuring the RAID storage system would involve configuring multiple disk drives, providing an easy to use system for configuring multiple devices at one time (column 2, lines 48-50). Therefore, one skilled in the art, at the time of the invention would have been motivated to learn from De Jong to configure multiple hardware elements where a management operation is performed on all of the multiple hardware components that have a selected status response to user input.

Referring to claims 4 and 26, Fox discloses an unused interface component which is used to configure physically interconnect with another hardware component further comprising managing the unused user interface component through user input directed to the pictorial representation (column 8, lines 55-58).

Referring to claims 5 and 27, Fox discloses that each of the plurality of hardware components is associated with a vulnerability attribute (column 9, lines 5-8). Fox also discloses comparing attributes associated with the plurality of hardware components against a filter criterion (column 9, lines 5-8) and selecting those hardware components

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with attributes that match the filter criterion, with the pictorial representation continuing to depict at least one non-selected hardware component after such selection, where both the selected and unselected components are displayed (column 9, lines 15-17).

Referring to claims 6 and 28, Fox discloses that user input is used for generating the filter criterion (column 9, lines 5-8).

Referring to claims 7 and 29, Fox discloses selecting the filter criteria from a plurality of predetermined filter criteria, each of the predetermined filter criteria associated with a predetermined view among a plurality of views, wherein various dialogues or views are displayed depicting selection criteria for different attributes including vulnerability and sensitivity attributes (column 8, lines 64-67 and column 9, lines 1-8).

Referring to claim 8, Fox discloses that each hardware component is associated with a hardware type and the filter criterion identifies a selected hardware type, wherein selecting those hardware components includes selecting those hardware components associated with the selected hardware type, where the "ANSSR RISK" view filter criterion shows the use of the hardware types in the filter criterion (Figure 10).

Referring to claim 9, Fox discloses updating the indication of the selected status for the hardware components responsive to selection of those hardware components associated with attributes that match the filter criterion, where the risk network elements are selected, in relation to the risk elements that are displayed on the filter criterion (column 9, lines 15-30).

Referring to claims 10 and 30, Fox discloses that each of the plurality of hardware components is associated with at least one of a plurality of diagrams, each of which depicting a physical location of at least one of the plurality of hardware components (Figure 10). Fox also discloses displaying within this pictorial representation only those diagrams from the plurality of diagrams that depict the physical location of at least one hardware component having a selected status (reference number 276, Figure 10).

Referring to claims 11 and 31, Fox discloses visually highlighting those portions of the pictorial representation that depict the physical configurations of the multiple hardware components that have a selected status (column 3, lines 29-32).

Referring to claims 12 and 32, Fox discloses updating the status of a hardware component to one of selected status and an unselected status (column 7, lines 5-15), wherein the displaying of these hardware components is in responsive to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (column 3, lines 29-32).

Referring to claims 14 and 34, Fox disclose that the multiple hardware components are physically locate in a plurality of computers, as is the case with components from belonging to a network, wherein the performing management operation includes performing the management operation in each of the plurality of computers (column 3, lines 22-32).

Referring to claim 15, Fox disclose that at least two of the plurality of computers utilizes different types of computer platforms (column 5, lines 1-5).

Referring to claims 16 and 35, Fox discloses a list of available management operations associated with a hardware component among the plurality of hardware component in response to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (Figures 8). Fox and De Jong disclose retrieving a list of management operations associated with at least two selected hardware components among the multiple hardware components having a selected status (De Jong, Figure 29).

Referring to claims 17 and 36, Fox discloses displaying a list of available management operations within a context sensitive menu (Figures 8 and column 3, lines 35-45). Fox and De Jong disclose performing the management operation on all of the multiple hardware components that are selected in response to user input directed to the context sensitive menu (De Jong, Figure 29), with management operations being performed on multiple disk drives of the selected RAID array.

Referring to claims 18 and 37, Fox discloses retrieving status information associated with a first hardware component among the plurality of hardware components in response to user input directed to that portion of the pictorial representation that depicts the physical configuration of the first hardware component (column 3, lines 29-32).

Referring to claims 19, Fox discloses including locating a user-manipulated pointer over that portion of the pictorial representation that depicts the physical configuration of the hardware component and displaying the retrieved status information within a pop-up window disposed proximate that portion of the pictorial representation



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that depicts the physical configuration of the hardware component (column 8, lines 64-67).

Referring to claims 20 and 38, Fox discloses that the pictorial representation and indicating the selected status are performed on a single computer, wherein all the needed information is contained within that single computer (column 3, lines 18-21), describing a computer system which holds the information for presenting network topology.

Referring to claims 21 and 39, Fox discloses displaying the pictorial representation and indicating the selected status are performed on a first computer with at least a portion of the plurality of hardware components being physically located in a second computer in communication with a first computer, with these components being part of a network (column 3, lines 22-26).

Referring to claim 22, Fox discloses that each of the plurality of hardware components is disposed in a computer from a group consisting of a single-user computer, multi-user computer, clustered computer, multi-unit computer, with a computer system, and the networks representing the systems with a plurality of computers (column 3, lines 25-45).

Referring to claims 23, Fox discloses an apparatus including a program residing in memory (column 7, lines 1-45). Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also

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discloses that in response to user input, indicating a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation with the plurality of hardware components (column 3, lines 29-32). Fox discloses that for each of the nodes, representing the hardware components, with each having selected status highlighting the risk status, a manager window can be displayed which includes properties of the network components, the properties representing a list of management operations associated with the network component (column 3, lines 60-62). Figure 7 display hardware components that are highlighted or selected in addition to a manager window that displays management operations involving all hardware components including those that are selected. Fox does not disclose that specific management operations are performed on all the multiple hardware components. De Jong discloses configuring hardware components including displaying and performing management operations on multiple hardware components that are selected by the user (column 11, lines 47-50). De Jong's system includes selecting components that represent multiple hardware components within, where configuration requires applying a management operation to all of the multiple hardware components that have been selected by the user (column 11, lines 53-59). It would have been obvious for one skilled in the art at the time of the invention to learn from De Jong to perform a management operation on all of the multiple hardware components that have a selected status response to user input. Both Fox and De Jong disclose systems for configuring hardware components. De Jong provides a configuring system for managing multiple devices that are stored in the RAID storage system, where configuring the RAID storage

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system would involve configuring multiple disk drives, providing an easy to use system for configuring multiple devices at one time (column 2, lines 48-50). Therefore, one skilled in the art, at the time of the invention would have been motivated to learn from De Jong to configure multiple hardware elements where a management operation is performed on all of the multiple hardware components that have a selected status response to user input.

Referring to claim 40, Fox discloses a program residing in memory (column 7, lines 28-32). Fox discloses a method for managing computer hardware components by displaying a pictorial representation on a computer display with a plurality of hardware components and representing a physical configuration of each of the plurality of hardware components (column 3, lines 23-26). Fox also discloses indicating in response to user input, a selected status for multiple hardware components from the plurality of hardware components within the pictorial representation with the plurality of hardware components (column 3, lines 29-32). Fox also discloses a signal-bearing medium bearing the program (column 7, lines 1-5). Fox discloses that for each of the nodes, representing the hardware components, with each having selected status highlighting the risk status, a manager window can be displayed which includes properties of the network components, the properties representing a list of management operations associated with the network component (column 3, lines 60-62). Figure 7 display hardware components that are highlighted or selected in addition to a manager window that displays management operations involving all hardware components including those that are selected. Fox does not disclose that specific management

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operations are performed on all the multiple hardware components. De Jong discloses configuring hardware components including displaying and performing management operations on multiple hardware components that are selected by the user (column 11, lines 47-50). De Jong's system includes selecting components that represent multiple hardware components within, where configuration requires applying a management operation to all of the multiple hardware components that have been selected by the user (column 11, lines 53-59). It would have been obvious for one skilled in the art at the time of the invention to learn from De Jong to perform a management operation on all of the multiple hardware components that have a selected status response to user input. Both Fox and De Jong disclose systems for configuring hardware components. De Jong provides a configuring system for managing multiple devices that are stored in the RAID storage system, where configuring the RAID storage system would involve configuring multiple disk drives, providing an easy to use system for configuring multiple devices at one time (column 2, lines 48-50). Therefore, one skilled in the art, at the time of the invention would have been motivated to learn from De Jong to configure multiple hardware elements where a management operation is performed on all of the multiple hardware components that have a selected status response to user input.

Referring to claim 41, Fox discloses that the signal-bearing medium includes at least one of a recordable medium and a transmission medium (column 7, lines 1-12).

Referring to claim 42, Fox also discloses automatically generating a pictorial representation on a computer display having a plurality of hardware components within the plurality of computers, identifying a plurality of hardware components resident in the

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plurality of computers (column 3, lines 23-26). Fox also discloses performing at least one management operation on multiple selected hardware components among the plurality of hardware components in response to user input directed to that portion of the pictorial representation that represents the physical configuration of one of the multiple selected hardware components, (column 3, lines 293-32), the operation being the vulnerability determining of a set of hardware components. Fox discloses that for each of the nodes, representing the hardware components, with each having selected status highlighting the risk status, a manager window can be displayed which includes properties of the network components, the properties representing a list of management operations associated with the network component (column 3, lines 60-62). Figure 7 display hardware components that are highlighted or selected in addition to a manager window that displays management operations involving all hardware components including those that are selected. Fox does not disclose that specific management operations are performed on all the multiple hardware components. De Jong discloses configuring hardware components including displaying and performing management operations on multiple hardware components that are selected by the user (column 11, lines 47-50). De Jong's system includes selecting components that represent multiple hardware components within, where configuration requires applying a management operation to all of the multiple hardware components that have been selected by the user (column 11, lines 53-59). It would have been obvious for one skilled in the art at the time of the invention to learn from De Jong to perform a management operation on all of the multiple hardware components that have a selected status response to user

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input. Both Fox and De Jong disclose systems for configuring hardware components. De Jong provides a configuring system for managing multiple devices that are stored in the RAID storage system, where configuring the RAID storage system would involve configuring multiple disk drives, providing an easy to use system for configuring multiple devices at one time (column 2, lines 48-50). Therefore, one skilled in the art, at the time of the invention would have been motivated to learn from De Jong to configure multiple hardware elements where a management operation is performed on all of the multiple hardware components that have a selected status response to user input.

Referring to claim 43, Fox discloses each of the plurality of hardware components is associated with at least one attribute and wherein each of the plurality of hardware components is associated with at least one of a plurality of diagrams (column 8, lines 64-67 and column 9, lines 1-8). Fox discloses that each of the plurality of hardware components is associated with at least one attribute and a method to compare attributes associated with the plurality of hardware components against a filter criterion and selecting those hardware components associated with the attributes that match the filter criterion (column 9, lines 15-17). Fox discloses dynamically generating the pictorial representation includes displaying the pictorial representation only the diagrams with the selected hardware components (column 9, lines 30-32).

Referring to claims 44 and 45, Fox and De Jong discloses that retrieving and displaying a list of available management operations associated with multiple hardware components includes generating the list to include only management operations that are

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appropriate for being performed on all of the multiple hardware components have a selected status (De Jong, Figure 29).

4. Claim 2, 3, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox, De Jong and EP 0687977 A2 (Davis et al.), herein referred to as Davis.

Referring to claims 2 and 24, Fox does not disclose an enclosure within which the hardware components are disposed. Davis discloses a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure (Figure 5). The enclosure allows for the hardware components to be stored in, thereby serving as storage. It would have been obvious for one skilled in the art, at the time of the invention to a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure. Davis has depicted a type of hardware device including components that can be stored in an enclosure, wherein Fox with the ability to display various kinds of hardware component information would include the enclosure where the hardware components are stored in. Hence, it would have been obvious to one skilled in the art, at the time of the invention to a diagram of at least one enclosure within which the plurality of hardware components is disposed, further depicting a physical location of each of the plurality of hardware components in the enclosure.

Referring to claims 3 and 25, Fox and Davis discloses a first view of the enclosure taken from a first viewpoint and wherein the pictorial representation further

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includes a second diagram depicting a second view of the enclosure taken from a second viewpoint (Davis, Figure 5), wherein Davis displays a front view and back view showing two different viewpoints of the enclosure.

### ***Response to Arguments***

5. Applicant's arguments filed 8/28/06 have been fully considered but they are not persuasive.

As previously indicated, a pictorial representation is interpreted as illustration of pictures or images that **represent** hardware components. Therefore, Fox reads on such an interpretation displaying for the user, a pictorial representation where the physical **representation** of the hardware components are displayed. As long as the icons and images, which are the pictorial representations, represent the physical hardware components, Fox reads on the disclosed features related to the pictorial representation.

Much like Applicant's example, De Jong discloses configuring RAID storage systems, which include multiple disk drives, where the user has the capability to select a RAID storage representing multiple disk drives and further carrying out management operations on the multiple disk drives. Although, Fox does disclose displaying management operations, Fox does not clearly disclose how the management operations are performed. De Jong clearly discloses the easy to use system for configuring multiple disk drives in a RAID storage system, with user interface menus that display parameters associated with a RAID storage system, which represent multiple disk drives. Furthermore, the present claim language discloses performing



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management operations on all of the multiple hardware components that have a selected status, where although the arguments indicate that a single operation is to be applied to multiple hardware components simultaneously or in response to a single action, the present claims merely disclose that a management operation can be performed on all selected hardware components, where if a management operation is to be performed on one selected hardware component, it can be applied to other hardware components at any point of time.

Fox discloses allowing the user to set certain properties or carry out management configuration for setting the parameters of hardware components. Fox discloses that in response to this user input, based on the information provided, nodes representing hardware components are highlighted. See column 9, lines 5-24. This teaches the first initial user input and the highlighting or selected status of the nodes in response to user input. Clearly this process discloses visually highlighting selected hardware components.

Furthermore, filter criteria is used in Fox to filter out certain hardware components that have distinct characteristics with a group having certain parameters at a certain state are displayed to the user, teaching a filter criterion. Fox also displays in Figure 10 that the filter criterion is associated with various views of the hardware data. The NVT risk assessment chart discloses one filter criterion associated with one view and a risk analysis window displaying filtered data associated with the hardware components associated with another view. These display panels disclose filter criterion that is used to retrieve distinct data that matches a filter criterion. Furthermore, one

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example of selected a node by inputting a selection directed at that node within the pictorial representation results in the displaying of context menus such as those in Figures 8. These menus allow for configuration of hardware components and are displayed in association with a clear distinct node, as a result of selection of that node (column 8, lines 64-67). Fox also discloses that menu options are provided for selected hardware component nodes.

### ***Conclusion***

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for displaying computer hardware components.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
October 28, 2006



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
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